



PATENT
Customer No. 22,852
Attorney Docket No. 05725.1225-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Stéphane SABELLE et al.) Group Art Unit: 1626
)
Application No.: 10/612,986) Examiner: R. Anderson
)
Filed: July 7, 2003)
)
For: PARA-PHENYLENEDIAMINE) Confirmation No.: 6380
DERIVATIVES CONTAINING A)
PYRROLIDYL GROUP, AND USE)
OF THESE DERIVATIVES FOR)
COLORING KERATIN FIBERS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination in the above-referenced application.

Copies of U.S. patents, patent application publications, and Office Actions from co-pending applications, which are available on the Image File Wrapper System, are not enclosed.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **JP 11-071247** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

2. **JP 11-292745** - This document is believed to be related to U.S. Patent No. 6,673,124 B2.

3. **JP 4-235909** - This document is believed to be related to U.S. Patent No. 5,279,619.

4. **JP 54-062335** - This document is believed to be related to British Patent No. GB 1 597 034, submitted herewith.

5. **JP 56-092812** - This document is believed to be related to U.S. Patent No. 4,996,059.

6. **JP 61-165315** - This document is believed to be related to U.S. Patent No. 4,698,065.

7. **JP 6-199642** - This document is believed to be related to U.S. Patent No. 5,494,490.
8. **JP 6-329522** - This document is believed to be related to U.S. Patent No. 5,344,463.
9. **JP 7-076509** - This document is believed to be related to U.S. Patent No. 5,567,421.
10. **JP 7-267832** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
11. **JP 7-267835** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
12. **JP 8-034714** - This document is believed to be related to U.S. Patent No. 5,863,300.
13. **JP 8-231359** - This document is believed to be related to U.S. Patent No. 5,690,696.
14. **WO 98/01434** - An English language abstract of the disclosure of this document can be found on the front of this document.
15. **WO 98/20847** - An English language abstract of the disclosure of this document can be found on the front of this document.
16. **WO 99/11229** - This document is believed to be related to U.S. Patent No. 6,379,396 B1.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 26, 2006

By: Deborah M. Herzfeld
Deborah M. Herzfeld
Reg. No. 52,211



IDS Form PTO/SB/08: Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/612,986
		Filing Date	July 7, 2003
		First Named Inventor	Stéphane SABELLE
		Art Unit	1626
		Examiner Name	R. Anderson
Sheet 1	of 2	Attorney Docket Number	05725.1225-00000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
	1	4,698,065	10/6/1987	Hoeffkes et al.	
	2	4,996,059	2/26/1991	Grollier et al.	
	3	5,279,619	1/18/1994	Cotteret et al.	
	4	5,344,463	9/6/1994	Chan et al.	
	5	5,494,490	2/27/1996	Audousset et al.	
	6	5,567,421	10/22/1996	Cotteret et al.	
	7	5,690,696	11/25/1997	Bone et al.	
	8	5,863,300	1/26/1999	Audousset et al.	
	9	6,379,396	4/30/2002	Audousset	
	10	6,500,213	12/31/2002	Braun et al.	
	11	6,673,124	1/6/2004	Laurent et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
	12	GB 1 597 034	9/3/1981	Bristol Myers Co.		
	13	JP 11-071247	3/16/1999	KAO Corp.		Abstract
	14	JP 11-292745	10/26/1999	L'Oréal		
	15	JP 4-235909	8/25/1992	L'Oréal		
	16	JP 54-062335	5/19/1979	Halasz		
	17	JP 56-092812	7/27/1981	L'Oréal		
	18	JP 61-165315	7/26/1986	Henkel KgaA		
	19	JP 6-199642	7/19/1994	L'Oréal		
	20	JP 6-329522	11/29/1994	Bristol Myers Co.		
	21	JP 7-076509	3/20/1995	L'Oréal		
	22	JP 7-267832	10/17/1995	Hoyu KK		Abstract
	23	JP 7-267835	10/17/1995	Hoyu KK		Abstract
	24	JP 8-034714	2/6/1996	L'Oréal		

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Application Number	10/612,986	
			Filing Date	July 7, 2003	
			First Named Inventor	Stéphane SABELLE	
			Art Unit	1626	
			Examiner Name	R. Anderson	
Sheet	2	of	2	Attorney Docket Number	05725.1225-00000

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
	25	JP 8-231359	9/10/1996	L'Oréal		
	26	WO 98/01434	1/15/1998	Schwarzkopf GMBH		Abstract
	27	WO 98/20847	5/22/1998	Wella		Abstract
	28	WO 99/11229	3/11/1999	L'Oréal		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
	29	English language Derwent Abstract of JP 11-071247	
	30	English language Derwent Abstract of JP 7-267832	
	31	English language Derwent Abstract of JP 7-267835	
	32	Office Action in co-pending Application No. 10/433,687 (Attorney Docket No. 05725.1214) dated April 8, 2005 (Ex. Elhilo)	
	33	Office Action in co-pending Application No. 10/433,687 (Attorney Docket No. 05725.1214) dated August 31, 2005 (Ex. Elhilo).	
	34	Office Action in co-pending Application No. 09/959,913 (Attorney Docket No. 05725.0992) dated July 18, 2005 (Ex. Elhilo)	
	35	Office Action in co-pending Application No. 09/959,913 (Attorney Docket No. 05725.0992) dated March 28, 2006 (Ex. Elhilo)	
	36	Office Action in co-pending Application No. 10/433,408 (Attorney Docket No. 05725.1217) dated July 5, 2005 (Ex. Elhilo)	
	37	Office Action in co-pending Application No. 10/433,411 (Attorney Docket No. 05725.1218) dated April 8, 2005 (Ex. Elhilo)	
	38	Office Action in co-pending Application No. 10/433,411 (Attorney Docket No. 05725.1218) dated August 31, 2005 (Ex. Elhilo)	
	39	Office Action in co-pending Application No. 10/433,689 (Attorney Docket No. 05725.1216) dated August 2, 2005 (Ex. Elhilo)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.